

S T O L L | K E E N O N | & | P A R K | L L P

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October 19, 2005

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OCT 21 2005

PUBLIC SERVICE
COMMISSION

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602

**Re: Dialog Telecommunications, Inc. v. BellSouth
KPSC 2005-00095 – Dialog's First Data Requests to BellSouth**

Dear Ms. O'Donnell:

Enclosed for filing please find an original and ten copies of the initial data requests of Dialog Telecommunications, Inc. to the Defendant, BellSouth Telecommunications, Inc. Please return one stamped copy in the enclosed prepaid envelope.

If you have questions, please do not hesitate to contact me.

Sincerely yours,



Douglas F. Brent

cc: Service List

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

DIALOG TELECOMMUNICATIONS, INC.)	
)	
v.)	CASE NO.
)	2005-00095
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	

DIALOG'S FIRST DATA REQUEST TO BELLSOUTH

Dialog Telecommunications, Inc., by its undersigned counsel, hereby requests that BellSouth Telecommunications, Inc. ("BellSouth") respond to the following data requests within 20 days.

REQUEST FOR ADMISSION

1. BellSouth furnishes communications service to local exchange carriers in Kentucky.

Response:

INTERROGATORIES

1. Does BellSouth collect sales tax on all traffic originating from other carriers and carried by BellSouth on the Kentucky Revised Settlement Plan ("KRSP")? For the purpose of this request KRSP refers to the order of the Commission dated January 23, 1992, in Phase I of Administrative Case No. 323.

Response:

2. Does BellSouth remit sales tax to all Kentucky incumbent local exchange carriers for the access functions those carriers provide to BellSouth traffic pursuant to the KRSP or any other contractual arrangement?

Response:

3. With reference to BellSouth's annual financial report to the Commission for 2004, does Account 5060 (Other Basic Area Revenue) include charges and credits resulting from contractual revenue pooling and/or sharing arrangements?

Response:

4. Does BellSouth pay sales tax on all amounts recorded in Account 5060?

Response:

5. Does BellSouth assert an obligation to collect sales tax from all Kentucky local exchange carriers terminating local or toll traffic to BellSouth's network?

Response:

6. Does BellSouth pay sales tax to all local carriers in Kentucky on charges for terminating local and toll calls originating from BellSouth subscribers or for traffic transited by BellSouth?

Response:

7. Does BellSouth pay sales tax to CMRS carriers on charges to BellSouth for traffic originating from BellSouth subscribers and terminating to CMRS subscribers?

Response:

8. Are there arrangements, other than the KRSP, between BellSouth and any other incumbent in Kentucky providing for compensation for the origination, transport, switching or termination of intraLATA toll or local traffic, including CMRS traffic, between carriers?

Response:

9. If the answer to 8 is yes, does BellSouth remit sales tax to other incumbents for charges associated with traffic under such arrangements?

Response:

10. If the answer to 8 is yes, does BellSouth collect sales tax from other incumbents for such arrangements?

Response:

11. With respect to all Rural LECs which invoice BellSouth for "Covered CMRS Provider Traffic" pursuant to Section 2.07 of the Settlement Agreement filed with the Commission on April 26, 2004 in Case No. 2003-00045, does BellSouth remit sales tax on the invoiced amounts?

Response:

Respectfully Submitted:

DIALOG TELECOMMUNICATIONS, INC.

By:



C. Kent Hatfield

Douglas F. Brent

STOLL, KEENON & PARK, LLP

2650 AEGON Center

Louisville, KY 40202

502-568-9100

CERTIFICATE OF SERVICE

It is hereby certified that this 19th day of October, 2005 I have served the within Amended Complaint on the following by deposit in the U. S. Mail, first class.



Counsel for Dialog Telecommunications

Cheryl Winn, Esquire
BellSouth Telecommunications
P. O. Box 32410
601 West Chestnut Street, Room 407
Louisville, KY. 40232